

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

UNITED STATES OF AMERICA

Plaintiff,

v.

CASE NUMBER: 2:06 CR 63

VIKRAM S. BUDDHI

Defendant.

**DEFENDANT BUDDHI'S RESPONSE TO
GOVERNMENT'S REQUEST TO CONTINUE SENTENCING HEARING**

Defendant Vikram S. Buddhi, through attorney John E. Martin, files this response. In support, Mr. Buddhi states as follows.

1. Mr. Buddhi does not object to the government's request for a continuance of the sentencing hearing. His counsel files this response because counsel believes that the government has mischaracterized in its motion the nature and timing of Mr. Buddhi's filings.

2. On January 11, 2008, via letter to the probation officer and government's counsel, Mr. Buddhi's counsel filed substantive objections to the Presentence Investigation Report ("PSR"). He filed objections to the application of the six level enhancement under USSG § 3A1.2 and the five level enhancement under USSG § 3D1.4. At the time, the sentencing hearing in the matter had been scheduled for February 12, 2008. On February 4, 2008, government's counsel filed a motion to seek a continuance of the sentencing hearing. Government's counsel indicated that it needed additional time to respond to the objections. Mr. Buddhi did

not object to the request for a continuance. On May 23, 2008, the Court continued the sentencing hearing to July 23, 2008.

3. Throughout the months, from October of 2007 to June of 2008, in discussions with the probation officer and government's counsel, Mr. Buddhi's counsel raised various objections to non-substantive matters in the PSR. On June 27, 2008, Mr. Buddhi sent a short, three-page double-spaced letter to the probation officer and the government objecting to the inclusion or non-inclusion in the PSR of various content.

4. On July 7, 2008, government's counsel responded to the non-substantive objections. On July 8, 2008, after nearly six months, government's counsel responded to the substantive objections filed by Mr. Buddhi on January 11, 2008.

5. On July 3, 2008, Mr. Buddhi filed a forty page sentencing memorandum. Though the memorandum when drafted had been nearly sixty pages long, counsel worked diligently to edit the memorandum to its present length. Counsel believes that all the arguments presented, which number well short of the fifteen arguments as characterized by the government, are substantive, non-frivolous arguments that merit the Court's attention. For the convenience of the Court, rather than filing a separate motion objecting to the PSR, counsel included in the memorandum the arguments in support of the substantive objections to the PSR.

6. In July of 2008, government's counsel emailed Mr. Buddhi's counsel asking if Mr. Buddhi would object to a continuance of the sentencing hearing. Counsel for the defense replied to the email that the defense would have no objection.

Respectfully submitted,

Northern District of Indiana
Federal Community Defenders, Inc.

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CERTIFICATE OF SERVICE

I hereby certify that, on July 11, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

Philip Craig Benson
philip.benson@usdoj.gov

and I hereby certify that I have mailed the document by U.S. Postal Service to the following non CM/ECF participants: NONE

s/ John E. Martin